

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT MERRITT,
Plaintiff,

v.

MICHAEL MANCINI, et al.,
Defendants.

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CIVIL ACTION NO. 19-CV-2785

ORDER

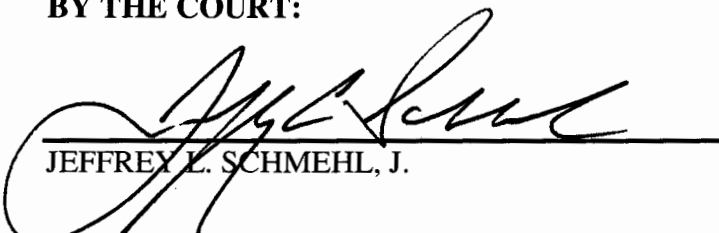
AND NOW, this 11th day of July, 2019, upon consideration of Plaintiff Robert Merritt's Motion to Proceed *In Forma Pauperis* (ECF No. 1) and his *pro se* Complaint (ECF No 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. The Complaint is **DEEMED** filed.
3. With the exception of Merritt's claims for excessive force and denial of medical care against Officer S. Bat in his individual capacity the Complaint is **DISMISSED without prejudice** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons discussed in the Court's Memorandum.
4. Merritt is **GRANTED** leave to file an amended complaint within thirty (30) days of the date of this Order. Any Amended Complaint must identify all Defendants in the caption of the amended complaint and clearly state the basis for Merritt's claims against each Defendant. Any amended complaint must be a complete document that states all of the bases for Merritt's claims without referring to the initial Complaint in this case. It should include claims the Court did not dismiss if Merritt still intends to proceed on those claims. In drafting an amended complaint, Merritt should be mindful of the Court's reasons for dismissing his claims as

explained in the Court's Memorandum. Any amended complaint shall be titled "Amended Complaint" and should state the case number for this case, Civ. A. No. 19-2785. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court

5. If Merritt fails to file an amended complaint, this case will proceed against Defendant S. Bat only as discussed in the Court's Memorandum. Merritt may also notify the Court that he seeks to proceed on his claims against Bat rather than file an amended complaint. If he files such a notice, Merritt is reminded to include the case number for this case, 19-2785.

BY THE COURT:



JEFFREY L. SCHMEHL, J.